

AN ORDINANCE

98726

**AUTHORIZING A PORTION OF THE DOWNTOWN AREA TO BE DESIGNATED AS A CLEAN ZONE IN ORDER TO REGULATE CERTAIN COMMERCIAL ACTIVITY WITHIN PUBLIC PROPERTY OR RIGHTS-OF-WAY FROM MARCH 24, 2004 THROUGH APRIL 6, 2004 IN PREPARATION FOR HOSTING THE 2004 NCAA FINAL FOUR BASKETBALL TOURNAMENT; DESIGNATING THE GEOGRAPHICAL BOUNDARIES FOR THE CLEAN ZONE; PROVIDING FOR SPECIAL CLEAN ZONE LICENSE PERMITS; AND PROVIDING FOR CRIMINAL PENALTIES TO BE IMPOSED FOR VIOLATION OF THIS ORDINANCE WITH A FINE NOT TO EXCEED \$2,000.00.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio has been selected to host the 2004 NCAA Final Four basketball tournament; and

**WHEREAS**: as one of the premiere sporting events in the world, this event will attract tens of thousands of visitors to the City and expose the City to millions of television viewers internationally; and

**WHEREAS**, in order to assist in the promotion of the San Antonio area, the San Antonio Local Organizing Committee (SALOC), a committee of the San Antonio Sports Foundation (SASF), and the host university, UTSA, was formed to coordinate local efforts; and

**WHEREAS**, these events have a positive economic impact on the hosting community and encourage other events, both sporting and non-sporting, to come to a particular city, and, therefore, it is vital to carefully plan for this event in order to ensure that the City is showcased properly; and

**WHEREAS**, the SALOC has indicated to the City that it is interested in sponsoring certain events to be held in conjunction with the 2004 NCAA Final Four Basketball Tournament; and

**WHEREAS**, pursuant to the City's powers as a Home Rule Municipality, it is in the best interest of the City to regulate these unique events to preserve the health and safety of all citizens, visitors and participants, as well as preserve the aesthetic qualities of the downtown area, and therefore, the City has determined it is necessary to designate a Clean Zone within specific boundaries in the downtown district between March 24, 2004 and April 6, 2004; and

**WHEREAS**, this Ordinance shall be effective only for the duration of the dates specified and shall not effect the operations of the City outside the specified dates and boundaries of this event;  
**NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** It is hereby authorized that a portion of the downtown district of San Antonio shall be designated a Clean Zone from March 24, 2004 through April 6, 2004, in order to prepare for and host the 2004 NCAA Final Four Basketball Tournament.

**SECTION 2.** The Clean Zone shall have duration of twelve (12) consecutive days, beginning at 12:01 a.m. on Wednesday, March 24, 2004 and continuing until midnight at the close of Tuesday, April 6, 2004.

**SECTION 3.** The geographical boundaries of the Clean Zone shall consist of an area described and bounded as follows: the area beginning at the interchange between Frio Street and West Martin Street; thence eastward along West Martin Street to North Saint Mary's Street; thence southward and eastward along McCullough Avenue and Nolan Street to North Hackberry Street; thence southward along North Hackberry and South Hackberry Street to Florida Street; thence westward and northward along Florida Street to Labor Street; thence northward along Labor Street to East Durango Boulevard; thence northward and westward along East Durango Boulevard, West Durango Boulevard and Matamoros Street to South Frio Street thence northward along South Frio Street to the interchange between Frio and West Martin Street. The Clean Zone shall encompass the area within the boundaries describe above, including the entire area of the boundary streets, and all public property and right-of-way, which is adjacent to, or about, the boundary streets described. A map showing the geographical boundaries of the Clean Zone is attached hereto and incorporated herein as Attachment I.

**SECTION 4.** A person shall not occupy public property or rights-of-way within the Clean Zone for the purposes of selling, distributing or offering for sale or free of charge, services or goods, including, but not limited to food, drinks, flowers, plants, tickets, merchandise or souvenirs without authorization prescribed by this section. The Clean Zone is designated and authorized subject to the following conditions:

- (1) Any person who wishes to sell or vend food, frozen food, flowers, tickets, souvenirs or other merchandise, erect temporary signage, inflatables, banners flags, pennants, wind or "sandwich board" signs or project images, or otherwise engage in temporary promotional, or commercial activities of any kind, including sampling, located within the geographical boundaries and the dates of the Clean Zone, and from a location which is on City property or rights-of-way, must:
  - a. Seek and acquire a recommendation of the San Antonio Local Organizing Committee, as Sponsor; and
  - b. Acquire a "Clean Zone License" which shall be:
    - i. Coordinated through the Parks and Recreation Department; then
    - ii. Approve and signed by the Staff Liaison, which shall be an Assistant to the City Manager, then
    - iii. Issued by the appropriate Department of the City (e.g. Parks and Recreation, Health and Building Inspections); and
    - iv. At a cost standard for the type of permit sought (e.g. food, merchandise and signage).
- (2) There shall be no "Foot" or mobile vending Clean Zone Licenses issued. All approved Clean Zone vendors will be assigned to a fixed location for the duration of the event.
- (3) Revenues collected from the sale of the Clean Zone license permits shall be deposited in Fund 11-000000 (General Fund) in Index Code 011940 entitled "Downtown Peddler's License/Permit."

**SECTION 5.** The "Clean Zone License" shall specify the exact location of the licensee's operation, and the licensee shall comply with all the provisions of the City Code, and state and federal laws, including, but not limited to, City Health and Safety Code, and all applicable state and local health and safety laws and regulation.


**SECTION 6.** Any person who engages in the activity defined in Section 4 without the prior recommendation of the Sponsor or a "Clean Zone License" issued by the City will be subject to immediate removal of all property related to the unauthorized commercial activity, and is subject to prosecution for a Class C misdemeanor and a fine not to exceed \$2,000.00.

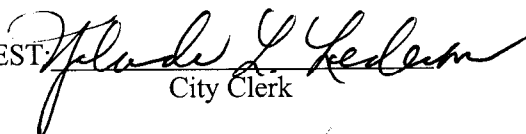
**SECTION 7.** Notwithstanding any other provision of the Ordinance, any person authorized to conduct business within the geographical boundaries of the Clean Zone is hereby authorized to engage in its authorized, licensed, contracted, permitted or certificated activities during the time period specified for the Clean Zone, and is not required to obtain a special event license. However, if any such person already authorized to conduct business wishes to extend its authorized, licensed, contracted, permitted or certificated activity, then a "Clean Zone License" shall be required to conduct such activity extension. No person shall be authorized to sell or distribute illegal, non-licensed, or unauthorized merchandise, regardless of whether that person obtains a "Clean Zone License".

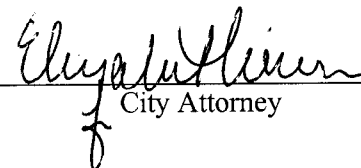
**SECTION 8.** The permitting of any private or utility construction within public right-of-way, within the Clean Zone shall be at the discretion of the City and shall be limited to emergency work that cannot be delayed.

**SECTION 9.** This ordinance shall become effective on February 1, 2004.

PASSED AND APPROVED this 22<sup>nd</sup> day of January, 2004.

  
MAYOR  
EDWARD D. GARZA

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney